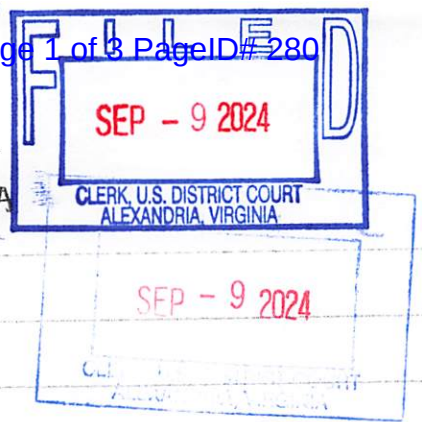


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



HERBERT WILLIAM JONES, JR.,)

Plaintiff)

v.)

Case No. 1:22-cv-01284-CMH-IDD

RONALD HITE AND JIMMY L. PRIDE,)

JR.,)

Defendants.)

PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENT
MALICIOUS PROSECUTION CLAIM AGAINST
DEFENDANT PRIDE

COMES NOW Herbert Jones ("Plaintiff"), states in support
of his motion for leave to supplement malicious prosecution
claim, as set forth below:

Plaintiff's MALICIOUS Prosecution Claim Against Pride

By his role in the investigation, Pride voluntarily assisted
in the actionable continuation of the prosecution of plaintiff.
Liability extends to "anyone" who "instituted a criminal action
against plaintiff, or had caused one to be maintained or had
voluntarily aided in its prosecution". Gibson v. Brown, 245
S.C. 547, 550, 141 S.E.2d 653, 654-55 (1965)

Therefore, absolute nor qualified immunity protects defendants Pride and Hite since intentional torts are not immunized.

The total acts and negligent conduct of both defendants, when combined, may have a cumulative effect showing a form of recklessness or total disregard of the rights of others.

As such, reasonable minds could conclude that these actions constitute either ordinary or gross negligence. "A state employee who acts wantonly, or in a culpable or grossly negligent manner, is not protected. James v. Jane, 221 Va. 43, 53, 282 S.E. 2d 864 (1980). See Coppage v. Mann, 906 F. Supp. 1025, 1047 (E.D. Va. 1995) ("Yet, only negligent conduct is protected by the doctrine; acts constituting gross negligence or intentional torts are not immunized.") (citing Fox v. Deese, 234 Va. 412, 362 S.E. 2d 699, 4 Va. Law Rep. 1248 (1987). See also Burns v. Gagnon, 283 Va. 657, 677, 727 S.E. 2d 634 (2012) Colby v. Beyden, 241 Va. 125, 128, 400 S.E. 2d 184, 7 Va. Law Rep. 1368 (1991).

Plaintiff Jones hereby incorporates the allegations stated herein as if fully set forth in his pending 1983 complaint. Accordingly, plaintiff respectfully request that this Court grant his Motion to Supplement Malicious Prosecution claim. Dawson v. General Motors Corp., 977 F. 2d 369, 372-73 (7th Cir. 1992).

Herbert William Jones, Jr. #1130150
VA Doc Centralized Mail Distribution Ctr.
3521 Woods Way
State Farm, VA 23160

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2024 a true copy of the
foregoing was mailed postage paid to Counsel for defendant Pride at:

D. Patricia Wallace, VSB #98964
Assistant Attorney General
Office of the Attorney General
Criminal Justice & Public Safety Division
202 North 9th Street
Richmond, Virginia 23219

I declare under penalty of perjury that the foregoing is
true and correct. Signature: Herbert W Jones, Jr.
Date: September 4, 2024